

REMARKS

Claims 1 and 3 have been amended to clarify that compositions containing effective amounts of active ingredient(s) are applied directly to wrinkles/signs of cutaneous aging. The amendment is intended to clarify that the compositions are applied directly to wrinkles/signs of cutaneous aging, and in addition possibly to skin surrounding such characteristics.

Claim 2 has been canceled.

The dependency of claims 17, 19, 22, 25 and 26 has been changed.

Claims 20-22, 30 and 34-47 have been changed from composition claims to method claims.

Claims 1, 3, 17-22 and 24-47 are currently pending.

The Office Action rejected claims 17, 18, 22, 24 and 31-33 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully submit that the amendments to claims 17 and 22 set forth above render these rejections moot and that, accordingly, the rejections should be withdrawn.

The Office Action rejected claims 1-3, 17-19, 24-29 and 31-33 under 35 U.S.C. §103 as obvious over U.S. patent 5,468,477 ("Kumar"), claims 21, 22, 30, 35, 37-39, 41-45 and 47 under 35 U.S.C. §103 as obvious over Kumar in view of U.S. patent 6,190,678 ("Hasenoehrl"), and claims 20, 34, 36, 40 and 46 under 35 U.S.C. §103 as obvious over Kumar in view of U.S. patent 6,319,507 ("Delrieu"). In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

The claimed invention relates to methods for reducing wrinkles/signs of aging comprising applying compositions containing effective amounts of the claimed silicone polymers directly to wrinkles/signs of aging. Nothing in any of the cited references teaches or suggests such methods.

Kumar, the primary reference, is silent concerning wrinkles and signs of cutaneous aging, let alone methods to effect their reduction. Given Kumar's silence concerning the very subject matter to which the claimed invention is directed, Kumar cannot, as a matter of law, teach or suggest the claimed invention. In other words, Kumar provides no motivation to one skilled in the art to reduce wrinkles/signs of aging by applying the claimed silicone polymers directly to the wrinkles/signs of aging in an amount effective to reduce such effects.

In support of its rejections, the Office Action asserts that (1) Kumar discloses wrinkle reducing- and signs of cutaneous aging reducing- effective amounts because the effective amounts recited in the specification encompass amounts disclosed by Kumar; and (2) all skin, once out of childhood, contains wrinkles and signs of cutaneous aging. However, these assertions do not form a sufficient basis for a proper § 103 rejection.

Regarding (1), Applicants attach hereto as Tab A a copy of the Federal Circuit's recent decision in Abbott. In this decision, the Federal Circuit indicates that merely because prior art discloses amounts which could theoretically be encompassed with the claims does not mean that the prior art discloses "effective amounts" as required by these claims. This is particularly true here where Kumar neither teaches nor suggests any anti-wrinkle/anti-signs of aging activity for its polymers.

Regarding (2), Applicants respectfully submit that this type of “inherency” assertion or analysis is improper for a rejection under §103. The question is whether Kumar teaches or suggests the claimed methods. As noted above, Kumar is silent concerning such methods. Moreover, Applicants respectfully submit that the assertion in the Office Action is incorrect: not all skin exhibits wrinkles/signs of aging once out of childhood. It is Applicants’ belief that those who avoid causes of wrinkles/signs of cutaneous aging including the sun and deleterious activities (e.g., smoking) generally exhibit wrinkles/signs of aging chronologically later.

In summary, the claimed invention relates to methods for reducing wrinkles/signs of aging comprising applying compositions containing effective amounts of the claimed silicone polymers directly to wrinkles/signs of aging. Kumar is silent concerning wrinkles, signs of aging and their reduction and, thus, cannot render the claimed invention obvious.

In view of the above, Applicants respectfully submit that the § 103 rejection based solely upon Kumar is improper and should be withdrawn.

The secondary references, Hasenoehrl and Delrieu, do not compensate for Kumar’s deficiencies. Hasenoehrl is cited merely for its disclosure of caffeine, and Delrieu for its disclosure of plant proteins. Neither of these references relates in any way to applying the claimed polymers to wrinkles/signs of cutaneous aging to effect their reduction.

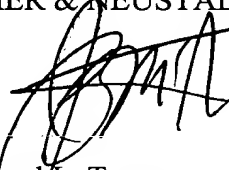
In view of the above, Applicants respectfully submit that all rejections under 35 U.S.C. §103 should be withdrawn.

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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